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Attorney for Claimant

Ralph Hein

UNITED STATES BANKRUPTCY COURT

NORTHER DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re

PG&E Corporation,

and

PACIFIC GAS AND ELECTRIC COMPANY,

Debtors.

Case No. 19-30088-DM

Chapter 11

Lead Case, Jointly Administered

**MOTION PURSUANT TO FED. R.
BANKR. PROC. 7015 AND 7017 TO
ENLARGE TIME TO FILE PROOF OF
CLAIM PURSUANT TO FED. R. BANKR.
PROC. 9006(b)(1)**

☐ Affects PG&E Corporation

☐ Affects Pacific Gas and Electric Company

☒ Affects both Debtors

*All paper shall be filed in the Lead Case, No.
19-30088-DM

Date: February 9, 2021

Time: 10:00 a.m. (Pacific Time)

Place: Telephonic/Video Appearances Only

United States Bankruptcy Court

Courtroom 17,

450 Golden Gate Ave., 16th Floor

San Francisco, CA

Judge: Hon. Dennis Montali

Objection Date: February 2, 2021

BACKGROUND

Pursuant to Rules 7015 and 7017 of the Federal Rules of Bankruptcy Procedure, which incorporate Federal Rules of Civil Procedure 15 and 17, by this motion ("Motion"), Ralph Hein ("Movant") moves the court for an order expanding the time to file a Proof of Claim, and allow, Claim Number (not yet assigned), attached to the Declaration of Robert M. Bone as Exhibit 1, to be considered timely filed. Claim Number (not yet assigned) was filed on January 7, 2021.

This Motion is based upon the points and authorities set forth herein and the concurrently filed Notice of Hearing and Declaration of Robert M. Bone in support of the Motion, in addition to any evidence or oral argument presented at the time of any hearing on this matter. In support thereof, the Movants, by and through their undersigned counsel, respectfully represent as follows:

BASIS FOR RELIEF REQUESTED

The general bar date in these cases was October 21, 2019 ("Original Bar Date"). The process for submission of timely claims was continued after the Original Bar Date. Pursuant to the Stipulation Between Debtors and Official Committee of Tort Claimants to Extend Bar Date for Fire Claimants and for Appointment of Claims Representative (Dkt No. 4651), the Original Bar Date was extended for the benefit of Unfiled Fire Claimants to December 31, 2019 at 5:00 p.m. (Prevailing Pacific Time). The Debtors' Chapter 11 plan ("Plan") was confirmed by court order on June 20, 2020, and pursuant to the Notice of Effective Date, the Plan became effective as of July 1, 2020.

This Motion concerns the claim of Ralph Hein who never submitted a claim until he hired counsel in January 2021 and a claim was prepared and submitted on his behalf on January 7, 2021. Mr. Hein's claim includes losses associated with five (5) pieces of real estate of which two are residential structures, two are commercial structures and one is unimproved land. All of Mr. Hein's property and losses were caused by the Camp Fire in Paradise, CA in November 2018. Unfortunately, the only relief available to Mr. Hein is through this motion for a late filed claim to be allowed by this court and the claim considered by the Fire Victim Trust. Therefore it is respectfully requested the Court grant such relief.

Under Rules 7015 and 7017 of Federal Bankruptcy Procedure (which incorporate Federal Rules of Civil Procedure 15(c) and 17(a)(3)) because there is a lack of bad faith on the part of

1 Movants and their counsel in failing to submit Mr. Hein's original claim, it is respectfully requested
2 the Court allow an extension of the bar date required to effectuate the purpose of Rules 7015 and
3 7017, it is respectfully requested the mistake should be allowed to be corrected by permitting the
4 late filing of the Proof of Claim under Bankruptcy Rule 9006(b).

5 Application of the so-called Pioneer factors shows that Movants' late filing is the result
6 of excusable neglect and therefore permissible under Rule 9006(b)(1). In permitting a creditor's
7 late filing under Bankruptcy Rule 9006(b)(1), the Supreme Court explained that Congress, by
8 empowering the courts to accept late filings where the failure to act was the result of excusable
9 neglect, plainly contemplated that courts would be permitted, where appropriate, to accept late
10 filings caused by inadvertence, mistake or carelessness, as well as by intervening circumstances
11 beyond the party's control. *Pioneer Inv. Servs. Co. v. Brunswick Associates L.P.*, (1993) 507 U.S.
12 380 at 388. The Supreme Court further clarified that whether a claimant's neglect of a deadline is
13 excusable is an equitable determination, taking account of all the relevant circumstances
14 surrounding the claimant's omission. See *id.* at 395. These equitable considerations include (1) The
15 danger of prejudice to the debtor, (2) The length of the delay and its potential impact on judicial
16 proceedings, (3) The reason for the delay, including whether it was within the reasonable control of
17 the movant, and (4) whether the movant acted in good faith.

18 As to the first such factor, Movants' late filing will cause no prejudice to Debtors, inasmuch
19 as the Plan has been confirmed, the associated Fire Victim Trust funded, and so the inclusion of
20 Movants' claim in the pool of fire victim claims will have no impact at all on the Debtors or the
21 bankruptcy estates.

22 As to the second Pioneer factor, Movants' delay in filing this claim and any resultant impact
23 on these proceedings are exceedingly modest and immaterial for the same reasons that Debtors will
24 not be prejudiced.

25 As to the third Pioneer factor, the reason for the delay and whether it was in Movants'
26 reasonable control, claimant's counsel can only rely on the explanation of his client and that is that
27 Mr. Hein was overwhelmed by his responsibility for caring for his wife of many years who was
28

1 dying of cancer during this time and he never took the time to meet with an attorney nor did he
2 research his legal obligation to submit a timely claim.

3 As to the final factor, Movants are acting in good faith in filing the claim as they are victims
4 of the Camp Fire that but for the mistake, he would have been included in claims already timely
5 filed in the Court. Based on the above, Claimant's counsel requests the claim be allowed due to his
6 client's remarkable circumstance, his wife's failing health and ultimate death, and his client's
7 obligation to care for her during her final days.

8 CONCLUSION

9 For the reasons set forth above, Movants respectfully request that this Court enter an
10 order pursuant to Bankruptcy Rules 7015, 7017, and 9006(b)(1) as follows:

- 11 1. Granting this Motion;
- 12 2. Directing that Exhibit 1, the Proof of Claim, Claim Number (not yet assigned), be deemed
13 timely filed;
- 14 3. Granting such other or further relief as the Court deems just and proper.

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16 Dated: January 12, 2021

Law Office of Robert M. Bone

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18 By: /s/ Robert M. Bone
19 ROBERT M. BONE
20 Attorneys for Claimants
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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:

PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Ralph Hein Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Ralph Hein</u> Attorney Name (if applicable) <u>Robert M. Bone</u> Attorney Bar Number (if applicable) <u>SBN 181526</u> Street Address <u>645 Fourth Street, Suite 205</u> City <u>Santa Rosa</u> State <u>CA</u> Zip Code <u>95404</u> Phone Number <u>7075258999</u> Email Address <u>bob@robertbonelaw.com</u>	Where should payments to the creditor be sent? (if different) Name <u>Ralph Hein</u> Attorney Name (if applicable) <u>Daniel F Crowley</u> Attorney Bar Number (if applicable) <u>SBN 130261</u> Street Address <u>P.O. Box R</u> City <u>San Rafael</u> State <u>CA</u> Zip Code <u>94913</u> Phone Number <u>(707) 525-8999</u> Email Address <u>bob@robertbonelaw.com</u>
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed****7. What fire is the basis of your claim?**

Check all that apply.

- ☒ Camp Fire (2018)
☐ North Bay Fires (2017)
☐ Ghost Ship Fire (2016)
☐ Butte Fire (2015)
☐ Other (please provide date and brief description of fire: _____)

8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different?)

- Location(s): 1. 1800 Heynen Road, Paradise, CA 95969 (APN 053-260-034-000)
2. 6200 Clark Road, Paradise, CA 95969 (APN 053-040-037-000)
3. 5675 Almond Street, Paradise, CA 95969 (APN 052-201-013-000)
4. 5673 Almond Street, Paradise, CA 95969 (APN 052-201-013-000)
5. PTN SEC 18, Heynen Road, Paradise, CA 95969 (APN 053-260-035-000)

9. How were you and/or your family harmed?

Check all that apply

- ☒ Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)
☒ Owner ☐ Renter ☐ Occupant ☐ Other (Please specify): _____
☒ Personal Injury
☐ Wrongful Death (if checked, please provide the name of the deceased) _____
☒ Business Loss/Interruption
☒ Lost wages and earning capacity
☐ Loss of community and essential services
☒ Agricultural loss
☐ Other (Please specify): _____

10. What damages are you and/or your family claiming/seeking?

Check all that apply

- ☒ Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)
☒ Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)
☒ Punitive, exemplary, and statutory damages
☒ Attorney's fees and litigation costs
☒ Interest
☒ Any and all other damages recoverable under California law
☐ Other (Please specify): _____

11. How much is the claim?

- ☐ \$ _____ (optional)
☒ Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: Robert M. Bone
Robert M. Bone (Jan 7, 2021 19:22 PST)

Email: bob@robertbonelaw.com

Signature

Print the name of the person who is completing and signing this claim:

Name	Robert Murray Bone		
	First name	Middle name	Last name
Title	Principal		
Company	Law Office of Robert M. Bone		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	645 Fourth Street, Suite 205		
	Number	Street	
	Santa Rosa	CA	95404
	City	State	ZIP Code
Contact phone	(707) 525-8999	Email	bob@robertbonelaw.com

Attach Supporting Documentation (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

☐ I have supporting documentation.
(attach below)

☒ I do not have supporting documentation.

PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.

IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.

Instructions for Proof of Claim (Fire Claim Related)

United States Bankruptcy Court

You may have a claim against the Debtors for monetary loss, personal injury (including death), or other asserted damages arising out of or related to a fire. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the chapter 11 process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- **Fill in all of the information about the claim as of the date this claim form is filed.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **For a minor child, fill in only the child's initials and the full name of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent)*. See Bankruptcy Rule 9037.
- **You may but are not required to attach supporting documents to this form.**
Supporting documents will be gathered, maintained, and provided at a later date as instructed by the Court. If you do attach documents, you should attach redacted documents as supporting documentation will be made publicly available and will not be kept confidential. See the definition of *redaction* of information below.
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **Question 3.** Members of a family may but are not required to file a proof of claim as a family but may, if they choose, submit individual claim forms for each family member that has a claim against the debtors.

- **Question 9.** If you suffered property damage, then provide the street address of each real property parcel where you suffered property damage. If you were personally evacuated as the result of a fire, then provide the address or intersection closest to where you encountered the fire and began evacuation. If you suffered property damage and were evacuated from a different location, include both. If you were a renter, provide the address of your residence.
- **Question 10.** This question requests general statements of underlying facts relating to harm and is not intended to be exhaustive or preclusive.
- **Question 11.** You are not required to include a claim amount with your proof of claim. Providing a claim amount at this time is optional.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form together with the original. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at <https://restructuring.primeclerk.com/page>.

Understand the terms used in this form

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. In this instance, PG&E Corporation and Pacific Gas & Electric Company.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Proof of claim: A form that shows the creditor has a claim against the debtors on or before the date of the bankruptcy filing (in these cases, January 29, 2019). The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Please send completed Proof(s) of Claim to:

If by first class mail:

PG&E Corporation Claims Processing Center
c/o Prime Clerk LLC
Grand Central Station, PO Box 4850
New York, NY 10163-4850

If by overnight courier or hand delivery:

PG&E Corporation Claims Processing Center
c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

You may also hand deliver your completed Proof(s) of Claim to any of the following service center offices (beginning July 15, 2019 through the Bar Date (October 21, 2019) during the hours of 8:30 a.m. – 5:00 p.m. Prevailing Pacific Time):

Chico Service Center
350 Salem Street
Chico, CA 95928

Marysville Service Center
231 "D" Street
Marysville, CA 95901

Napa Service Center
1850 Soscol Ave. Ste 105
Napa, CA 94559

Oroville Service Center
1567 Huntoon Street
Oroville, CA 95965

Redding Service Center
3600 Meadow View Road
Redding, CA 96002

Santa Rosa Service Center
111 Stony Circle
Santa Rosa, CA 95401

Photocopy machines will not be available at the Claim Service Centers; you must bring a photocopy of your Proof of Claim if you wish to receive a date-stamped copy.

Do not file these instructions with your form